FEDERAL REGISTER

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Washington, Friday, August 2, 1940

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

[F.C.A. 193]

THE FEDERAL LAND BANK OF SPRINGFIELD

APPRAISAL FEES

Section 21.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 21.1 *Appraisal fees.* $10.00 with each application for a loan of $100 to $7,500, $15.00 with each application for a loan of $7,600 to $25,000, $25.00 with each application for a loan of $25,100 to $35,000, $50.00 with each application for a loan of $35,100 to $50,000.

The application fee in each case shall be determined by the amount of the loan applied for whether there be granted a Land Bank loan, a Land Bank Commissioner loan, or a Land Bank and a Land Bank Commissioner loan.

If an applicant resides outside of the First Farm Credit District, there shall be an additional fee of $7.50 if an investigation need be made outside of said district.

If an application for a loan is not withdrawn, and the loan is not closed within one year from the date the mortgage premises are appraised, the applicant shall be charged a $5.00 additional appraisal fee.

If an application for a loan is withdrawn and is reinstated after the expiration of one year following the appraisal, an additional fee of $10.00 shall be charged on a loan of $7,500 or less, and an additional fee of $15.00 shall be charged on a loan in excess of $7,500.

If an applicant is dissatisfied with the original appraisal and requests a reappraisal by another appraiser, he shall pay an additional fee of $15.00, but if said reappraisal results in a more favorable decision, the $15.00 fee shall be refunded to the applicant.

No appraisal fee shall be required with an application for a loan to purchase a farm from the Federal Land Bank or to purchase a farm from the Federal Farm Mortgage Corporation, which farm was formerly subject to a Federal Land Bank mortgage.

(Sec. 13 "Ninth", 39 Stat. 372, sec. 1, 47 Stat. 1547, sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723, 1016 (e), and Sup.; 6 CFR 19.4019) [Res. Ex. Com. July 11, 1940]

[SEAL] THE FEDERAL LAND BANK OF SPRINGFIELD,
By H. P. PERKINS, *Secretary.*

[F. R. Doc. 40-3178; Filed, August 1, 1940; 11:42 a. m.]

[F.C.A. 194]

THE FEDERAL LAND BANK OF SPRINGFIELD

REFUNDING OF FEES

Section 21.11 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 21.11 *Refunding of fees.* Where an application for a loan is canceled prior to appraisal, the full appraisal fee, less any expense incurred, shall be returned to the applicant.

(Sec. 13 "Ninth", 39 Stat. 372, sec. 1, 47 Stat. 1547 sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 1016 (e) and Sup. 6 CFR 19.4019) [Res. Ex. Com. July 10, 1940]

[SEAL] THE FEDERAL LAND BANK OF SPRINGFIELD,
By H. P. PERKINS, *Secretary.*

[F. R. Doc. 40-3179; Filed, August 1, 1940; 11:42 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 64, Civil Air Regulations]

DISCONTINUING CENTRAL AIRPORT, CAMDEN, N. J., AS A CONTROL AIRPORT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C. on the 30th day of July, 1940.

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RULES, REGULATIONS, ORDERS

NOTICES

FEDERAL REGISTER

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Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Board hereby amends the Civil Air Regulations as follows:

Effective July 30, 1940, § 60.21 of the Civil Air Regulations is amended as follows:

1. By striking the words, "Camden, N. J. ---------- Central Airport".

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-3169; Filed, Aug. 1, 1940; 9:21 a. m.]

TITLE 29—LABOR

CHAPTER IV—CHILDREN'S BUREAU

[Order No. 3]

PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

AUGUST 1, 1940.

§ 422.3 *Coal-mine occupations*—(a) *Finding of fact.* By virtue of and pursuant to the authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938[1] and pursuant to the regulation prescribing the "Procedure Governing Determinations of Hazardous Occupations";[2] an investigation having been conducted with respect to the hazards for minors between 16 and 18 years of age in employment in coal-mine occupations; a report of the investigation having been submitted to the Chief of the Children's Bureau showing that:

"1. Work in or about coal mines involves an exceptionally high degree of accident risk, in comparison not only with manufacturing as a whole but also with most other industries for which adequate injury statistics are available.

"2. In risk of fatal injury, coal-mine work exceeds manufacturing to an even greater degree than it does in the risk of disabling injuries in general.

"3. The high accident risk in coal-mine work extends to both the anthracite and bituminous industries and involves all types of coal-mine operations—underground, open-cut, and surface work.

"4. All underground occupations, all occupations in open-cut operations, and all surface occupations, with the apparent exception of slate picking and work in offices and in repair and maintenance shops located on the surface, involve exposure to serious accident hazards.

"5. The accident risk in coal-mine work is probably particularly high for young persons, who are characteristically lacking in the experience and caution needed for work in or about coal mines.

"6. State legislation, which reflects public recognition of the particular hazards of coal-mine work for young people, has established higher minimum-age standards for work in or about coal mines then for general employment in the majority of the coal-producing States.

"7. Employment policies, as developed by operators and through union agreements in the coal-mining industry, frequently recognize a minimum age for coal-mine work that is higher than that established by law.

"8. Many safety engineers, mine inspectors, and other experts consulted have expressed the opinion that, in view of the hazards of coal-mine work, minors under 18 should not be employed at either underground or surface work. Many others who were of the same opinion with regard to underground work believed that certain surface occupations were not particularly hazardous and should be permitted for minors between 16 and 18 years of age";

a finding and order relating to the employment of minors between 16 and 18 years of age in the said occupations having been proposed for final adoption by the Chief of the Children's Bureau upon the basis of the said report of investigation; a public hearing having been held with respect to the said proposed finding and order; all statements submitted in connection with the said hearing having been carefully considered and a change having been made in the proposed finding and order in accordance with suggestions made at the hearing; opportunity having been given to all interested parties to file objections within 15 days following publication in the FEDERAL REGISTER[3] of the proposed finding and order, as revised, and no objection disclosing just cause for further revision thereof having been received; and sufficient reason appearing therefor,

Now therefore, I, Katharine F. Lenroot, Chief of the Children's Bureau of the United States Department of Labor, hereby find that all occupations in or about any coal mine, except the occupation of slate or other refuse picking at a picking table or picking chute in a tipple or breaker and occupations requiring the performance of duties solely in offices or in repair or maintenance shops located in the surface part of any coal-mining plant, are particularly hazardous for the employment of minors between 16 and 18 years of age.

(b) *Order.* Accordingly, I hereby declare that all occupations in or about any coal-mine, except the occupation of slate or other refuse picking at a picking table or picking chute in a tipple or breaker and occupations requiring the performance of duties solely in offices or in repair or maintenance shops located in the surface part of any coal-mining plant, are particularly hazardous for the employment of minors between 16 and 18 years of age.

Definitions. For the purpose of this order—

(1) The term "coal" shall mean any rank of coal, including lignite, bituminous, and anthracite coals.

(2) The term "all occupations in or about any coal mine" shall mean all types of work performed in any underground working, open-pit, or surface part of any coal-mining plant that contribute to the extraction, grading, cleaning, or other handling of coal.

This order shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein. This order shall become effective on September 1, 1940, and shall be in force and effect until amended or repealed by order hereafter made and published by the Chief of the Children's Bureau.

[SEAL] KATHARINE F. LENROOT,
Chief of the Children's Bureau.

[F. R. Doc. 40-3170; Filed, August 1, 1940; 11:17 a.m.]

CHAPTER V—WAGE AND HOUR DIVISION

PART 516—REGULATIONS ON RECORDS TO BE KEPT BY EMPLOYERS PURSUANT TO SECTION 11 (c) OF THE FAIR LABOR STANDARDS ACT

The following amendment to Regulations, Part 516—Regulations on Records to be Kept by Employers Pursuant to section 11 (c) of the Fair Labor Standards Act of 1938, is hereby issued. This amendment amends § 516.1 of said regu-

[1] Act of June 25, 1938, c. 676, 52 Stat. 1060, U. S. Code, Supp. IV, ti. 29, sec. 201.

[2] Issued November 3, 1938, pursuant to authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938, published in 3 F.R. 2640, November 5, 1938.

[3] 5 F.R. 2580, July 16, 1940.

lations (Records Required) with respect to the records required to be kept by employers whose employees are employed during any workweek at two or more different minimum rates of pay, and shall become effective upon my signing the original and publication thereof in the FEDERAL REGISTER and shall be in force and effect until repealed or modified by regulations thereafter made and published.

Signed at Washington, D. C., this 1st day of August, 1940.

PHILIP B. FLEMING,
Administrator.

§ 516.1[1] *Records required. Provided further,* That with respect to any employee, subject to different minimum wage rates of pay one or more of which has been established by a wage order, who is paid an amount less than the highest applicable minimum wage rate for all hours worked in any workweek, employers shall keep and preserve a record for each workweek of the following additional information:

(a) The minimum rate of pay required to be paid for each type of goods upon which each such employee has worked.

(b) Each type of goods upon which each such employee has worked at a different minimum rate of pay.

(c) The hours worked, or fractions thereof, by each such employee each workday and each workweek on each type of goods upon which he has worked at a different minimum rate of pay. Hours worked, or fractions thereof, on each type of goods shall include time from the commencement of work on such type of goods until work is commenced on another type of goods for which such employee must be paid at a different minimum rate of pay.

(d) The piece rate, if any, for each operation upon each type of goods upon which each such employee works at a different minimum rate of pay and the number of pieces worked upon at such piece rates.

(e) The piecework earnings, if any, on each type of goods upon which each such employee has worked at a different minimum rate of pay.

(f) The lot number of each type of goods upon which each such employee has worked.

(g) The total wages due the employee at straight time for the hours worked on each type of goods upon which each such employee has worked at a different minimum rate of pay, including the amounts earned in excess of the applicable minimum rates of pay.

Following the completion of the first month of keeping records in accordance with the foregoing provisions, every such employer may elect to keep records on this basis only if, in the event that he thereafter ceases or fails to do so for any workweek and later resumes the keeping of such records, he does so after a lapse of at least two months and gives written notice of such resumption to the Wage and Hour Division.

The foregoing provisions shall not be construed to affect in any way the records to be kept, or compensation to be paid employees whose activities cannot be segregated (such as clerical and maintenance employees), and who are, therefore, not subject to different minimum wage rates of pay.

[1] 5 F.R. 2269.

[F. R. Doc. 40-3172; Filed, August 1, 1940; 11:35 a. m.]

PART-TIME EMPLOYMENT OF STUDENT-LEARNERS IN VOCATIONAL TRAINING PROGRAMS

The following regulations—Part 520—Regulations Applicable to the Part-Time Employment of Student-Learners in Vocational Training Programs, are hereby issued. These regulations shall become effective upon my signing the original and upon publication thereof in the FEDERAL REGISTER, and shall be in force and effect until repealed by regulations hereafter made and published.

Signed at Washington, D. C. this 25th day of July 1940.

PHILIP B. FLEMING,
Administrator.

PART 520—REGULATIONS APPLICABLE TO THE PART-TIME EMPLOYMENT OF STUDENT-LEARNERS IN VOCATIONAL TRAINING PROGRAMS

§ 520.1 *Definitions.* As used in these Regulations:

(a) "Student-Learner" means a student who is receiving instruction in an accredited school, college or university and who is employed on a part-time basis pursuant to a *bona fide* training program which is under the supervision of a state board of vocational education or other recognized educational body.

(b) A "*bona fide* vocational training program" means a program providing for part-time employment of student-learners for a part of the working day, or for alternating weeks, or for limited periods during the year, such employment providing training which is supplemented by related instruction given the student-learner as a regular part of his school course by the school, college or university.

§ 520.2 *Applications for student-learner certificates.* Notwithstanding any of the provisions of the general learner regulations, Part 522 (Regulations Applicable to the Employment of Learners, Title 29, Chapter V, Code of Federal Regulations) applications for student-learner certificates may be filed with the Administrator of the Wage and Hour Division, United States Department of Labor, by any officer of the school, college or university. Such application must be made on the official form furnished by the Wage and Hour Division, must clearly outline the vocational training program showing the nature of the processes in which he is to engage on the job and the related instruction furnished the student-learner in the school, college or university, and must set forth all additional information required by such form. Each application must be signed by the employer and by the student-learner.

§ 520.3 *Terms of student-learner certificates.* (a) Each certificate issued under these Regulations shall specify the length of time a student-learner may be trained by the employer through employment at a wage rate or rates less than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act. Such rate or rates shall be fixed in the certificate and shall average over the period covered by the certificate not less than 75 percent of the minimum wage rate applicable under Section 6 of the said Act.

(b) Where an application for a student-learner certificate involves an occupation for which a learner's wage rate and a learning period have been determined as a result of a public hearing under regulations, Part 522, such wage rate and such learning period shall be modified only upon a showing of inapplicability in the case of the particular student training program.

§ 520.4 *Hearings on applications.* In considering one or more applications filed under these regulations the Administrator or his authorized representative may call a public hearing upon due notice published in the FEDERAL REGISTER, or may provide other opportunity for interested parties to present their views on the issues raised by such application or applications.

§ 520.5 *Employment of child labor.* (a) No student-learner certificate issued under these regulations shall authorize the employment of oppressive child labor as defined in section 3 (1) of the Fair Labor Standards Act or in orders and regulations issued by the Chief of the Children's Bureau pursuant thereto.

(b) No student-learner certificates issued under these regulations shall authorize noncompliance with any Federal or State law or municipal ordinance concerning child labor or establishing a minimum wage rate higher than that fixed in such certificate, or a maximum workweek lower than that established by the Fair Labor Standards Act.

§ 520.6 *General policies.* (a) Where the vocational training program is operated under the Smith-Hughes and George-Deen Acts the Administrator or his authorized representative may consult with and require approval of any application by the state board of vocational education or the state or local representative advisory committee (consisting of an equal number of employers and employees) which has been established pursuant to official policies for the ad-

ministration of vocational education. In any case, evidence may be required that the occupations selected for employment training, as well as the training plans for every student, have been approved by a state or local representative advisory committee if one exists.

(b) No certificates will be issued authorizing the employment-training of student-learners:

(1) When the issuance of such a certificate will tend to prevent the development of apprenticeships in accordance with the Administrator's regulations, Part 521, or when the issuance of such certificate would impair established apprenticeship standards in the occupation involved.

(2) When it is found that employment of student-learners at sub-minimum wage rates will tend to depress the wage rates or working standards of experienced workers in the same occupations.

(3) When the employment of a student-learner will displace a regular worker or when such employment will fill a job or position which would otherwise be filled by a regular worker.

(4) When it is found that the occupation in which it is proposed to train the student-learner involves no skill and requires no significant learning period.

(5) When training is confined to manual operations and processes, with no definitely organized plan of school instruction providing for teaching technical knowledge and related industrial information.

(6) When training is confined to a single operation for the purpose of developing high production speed.

(7) When the number of student-learners to be employed in one establishment is more than a small proportion of its working force.

(8) When the occupational needs of the community or the industry do not warrant the training of new workers.

§ 520.7 *Prohibition; false evidence.* (a) No employer shall employ any student-learner under a student-learner certificate in violation of any of the terms thereof.

(b) A student-leaner certificate shall be null and void if the applicant shall have set forth any fact or facts in his application which he knew or had reasonable cause to believe to be false.

§ 520.8 *Revocation of certificates.* Any certificate issued under these regulations may be cancelled for cause. Before any certificate is cancelled, reasonable notice of the time when and the place where such cancellation is to be considered will be sent by registered mail to the student-learner, the employer and the officer of the educational institution involved, at their last known address or addresses.

§ 520.9 *Reconsideration and review.* (a) Upon the submission of additional material facts, an authorized representative may reconsider an application and may affirm, revise or reverse his former action.

(b) Notwithstanding the provisions of subsection (a) of this Section, any person aggrieved by the action of an authorized representative of the Administrator may within 15 days thereafter, or within such further time as the Administrator, for cause shown may allow, file a petition for review by the Administrator of the action of the authorized representative and pray for such relief as is desired. If such petition for review is granted, all interested parties will be afforded an opportunity to present oral or written argument before the Administrator or an authorized representative who took no part in the action under review. Should a public hearing be determined upon by the Administrator, due notice of its time, place and scope will be published in the FEDERAL REGISTER and made public by a general press release.

§ 520.10 *Petition for amendment of these regulations.* Any person wishing a revision of any of the terms of the foregoing regulations may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon examination of the petition, the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator or his authorized representative will either schedule a hearing before himself or his authorized representative with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views both in support of and in opposition to the proposed changes.

[F. R. Doc. 40-3173; Filed, August 1, 1940; 11:35 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION IN MATTER OF APPLICATION FOR EXEMPTION OF TIMBER OPERATIONS INVOLVING LODGEPOLE PINE, ENGELMANN SPRUCE, AND COMMONLY ASSOCIATED SPECIES OF TIMBER IN STATES OF COLORADO, WYOMING, UTAH, AND IDAHO FROM MAXIMUM HOURS PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE PURSUANT TO SECTION 7(b)(3) OF THE ACT AND PART 526 AS AMENDED OF THE REGULATIONS ISSUED THEREUNDER

Whereas, an application was filed by the Rocky Mountain Timber Producers Association for exemption from the maximum hours provisions of the Fair Labor Standards Act of 1938 of timber operations, involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber in the States of Colorado, Wyoming, Utah, and Idaho, as an industry of a seasonal nature pursuant to section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder; and

Whereas, the Administrator of the Wage and Hour Division gave notice of a public hearing to be held at the Albany Hotel, Denver, Colorado, on May 14, 1940, before Mr. Burton D. Seeley, who was authorized to take testimony, hear argument and determine:

Whether timber operations involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber in the States of Colorado, Wyoming, Utah and Idaho, as defined herein, or any subdivision thereof, is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder.

The term "timber operations, involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber" was stated to mean the logging and reduction to usable form in the woods of Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber in the aforementioned states, and might include the hauling of the logs from the woods to the saw mill and the delivery of the logs or rough manufactured products to local markets or shipping points. It was not to include the treating or further processing of such logs or rough manufactured products; and

Whereas, following such hearing, the said Burton D. Seeley duly made his findings of fact and determined as follows:

"1. Timber operations involving Lodgepole Pine and Engelmann Spruce and commonly associated species of timber, as defined in the notice of hearing, are carried on at altitudes generally ranging from 8,500 to between 11,000 and 12,000 feet in the States of Colorado, Wyoming, and Utah; and

"2. Timber operations involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber as herein used, includes the logging and reducing to useable form in the woods of Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber in the aforementioned states, and also includes the hauling of the logs from the woods to the sawmill, or the delivery of the logs or rough manufactured products from the woods to local markets or shipping points. The treating and further processing of such logs or rough manufactured products is not included; and

"3. The altitudes at which operations on the above timber types are carried on in these states average higher than

operations on any other timber type; and

"4. Engelmann Spruce, Lodgepole Pine, and commonly associated species of timber are fringed at the lower extremities by Ponderosa and other Western Pines and commonly associated species, but operations on the fringing timber types are not normally carried on as a part of the former operations; and

"5. The timber operations in Lodgepole Pine and Engelmann Spruce and commonly associated species of timber in the States of Colorado, Wyoming, and Utah, as above defined, is a branch of the lumber industry; and

"6. Timber operations involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber in the States of Colorado, Wyoming, and Utah are conducted during a season of from six to seven months elapsed time or four to five months full time. Substantially all production takes place within a six month period occurring in a regularly annually recurring part of the year. Such operations cease entirely for about six months during the remainder of the year because of the fact that heavy snows, spring breakup, precipitous terrain, and low temperatures render such timber unavailable because of inaccessibility and danger to both men and animals; and

"7. In the States of Colorado, Wyoming, and Utah, timber operations involving Lodgepole Pine, Engelmann Spruce and commonly associated species of timber, as defined above, is a branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder.

"The exemption is granted timber operations involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber as defined above in the States of Colorado, Wyoming, and Utah.

"Insufficient information is furnished from the record to allow any determination on timber operations involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber in the State of Idaho.

"This determination was made without prejudice to a determination on operations on other timber types or operations on the same timber types in other states"; and

Whereas, said Findings and Determination were duly filed with the Administrator on July 20, 1940, and are now on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties.

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid Regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 26 day of July, 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3167; Filed July 31, 1940; 3:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the said Act and § 522.5 of Regulations Part 522, as amended, to the employers listed below effective August 2, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of § 522.13 or § 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination or Order for the Industry designated below opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 22, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940 (5 F.R. 1586).

Glove Order, February 20, 1940 (5 F.R. 714).

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Debonair Full Fashioned Mills, Inc., Cleveland, Tennessee; Hosiery, Full Fashioned; 10 learners; September 18, 1940.

Artcraft Shirt Company, Lewistown, Pennsylvania; Apparel; Shirts; 100 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Hugby Knitting Mills, Inc., Main Street, Buffalo, New York; (Flannocrat Department); Apparel; Sportswear—Lumber Jackets, Mackinaws, etc.; 10 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Joseph Panitz & Company, 426 South Spring Street, Los Angeles, California; Apparel; Uniforms; 5 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Ware Dress Company, Inc., East Street, Ware, Massachusetts; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Wilkins Gloves, Inc., Mayfield, New York; Gloves; Leather Dress Gloves; 5 learners; October 24, 1940.

Signed at Washington, D. C., this 1st day of August 1940.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40-3171; Filed, August 1, 1940; 11:35 a. m.]

FEDERAL POWER COMMISSION.

[Project No. 415]

IN THE MATTER OF SOUTHERN OHIO PUBLIC SERVICE COMPANY

ORDER FIXING DATE OF HEARING

JULY 30, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, Clyde L. Seavey. John W. Scott, not participating.

Upon informal application filed April 27, 1940, by Southern Ohio Public Service Company for an annual license for Project No. 415 affecting lands of the United States near United States Navigation Dam No. 10 in the Muskingum River, Ohio;

It appearing to the Commission that:

(a) A license was originally issued for this project on December 30, 1925, for a period terminating May 1, 1930, and upon termination of the original license annual licenses were issued by the Commission covering the period up to May 1, 1939;

(b) A hearing is desirable for the purpose of ascertaining in what physical condition the project works are maintained, whether the terms of the last annual license and the other licenses were complied with by the then licensee, and whether a further license should be issued at the present time;

It is ordered that:

A hearing on the above application and the matters set forth in paragraph (b) above be and it is hereby fixed for September 23, 1940, to begin at 10 o'clock a. m. in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-3168; Filed, August 1, 1940; 9:21 a. m.]

[Docket No. IT–5544]

IN THE MATTER OF OTTER TAIL POWER COMPANY

ORDER PERMITTING RATE SCHEDULE TO BECOME EFFECTIVE AND TERMINATING PROCEEDINGS

JULY 31, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, Clyde L. Seavey. John W. Scott, not participating.

It appearing to the Commission that:

(a) The Otter Tail Power Company on July 31, 1940, filed with the Federal Power Commission supplements to existing rate schedules providing uniform rates and charges for electric energy sold and delivered to the Village of Lake Park, Minnesota, the Cities of Breckenridge, Barnesville and Ortonville, Minnesota, and Minnesota Utilities Company. The proposed supplements to the rate schedules of Otter Tail Power Company have been designated in the files of the Commission as follows:

Supplement No. 3 to F.P.C. No. 3, City of Breckenridge, Minnesota.
Supplement No. 1 to F.P.C. No. 5, City of Barnesville, Minnesota.
Supplement No. 1 to F.P.C. No. 6, Village of Lake Park, Minnesota.
Supplement No. 1 to F.P.C. No. 9, Minnesota Utilities Company.
Supplement No. 1 to F.P.C. No. 10, City of Ortonville, Minnesota.

(b) The supplements to existing rate schedules (1) establish uniform wholesale rates and charges for the wholesale customers named; (2) provide substantially lower rates and charges than the rates and charges now paid by such wholesale customers; and (3) provide a greater reduction for the group of wholesale customers than would result from the application of the Fergus Falls rate as set forth in Otter Tail Power Company Rate Schedule F. P. C. No. 7, which was to be made effective for such wholesale customers by the Commission's Order of May 1, 1940;

The Commission finds that:

The supplements to Otter Tail Power Company Rate Schedules as enumerated above and filed with the Federal Power Commission on July 31, 1940, remove the undue and unlawful discrimination found by the Commission to exist, as fully related in its Opinion No. 45 adopted in this cause on May 1, 1940; and substantially comply with the findings and rulings in this Opinion;

The Commission orders that:

(A) The supplements to existing rate schedules as filed by the Otter Tail Power Company with the Federal Power Commission on July 31, 1940, and as enumerated above, be and the same are hereby accepted for filing effective as of July 1, 1940;

(B) The Village of Odessa, Minnesota, be supplied electric energy under a schedule of rates identical with those to become effective through the supplements enumerated above, if, at the expiration of the present lease of its distribution facilities to the Otter Tail Power Company, the Village of Odessa purchases electric energy at wholesale from the Otter Tail Power Company for distribution to its retail customers;

(C) The Petition for Rehearing filed by the Otter Tail Power Company on May 23, 1940, and now set for hearing at Fergus Falls, Minnesota, on August 8, 1940, be and the same is hereby dismissed;

(D) All proceedings in this cause be and they are hereby terminated.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40–3181; Filed, August 1, 1940; 12:02 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4061]

IN THE MATTER OF SEKOV CORPORATION, A CORPORATION, AND EDWIN H. VOKES AND HAZEL RUTH VOKES, AS OFFICERS OF SAID CORPORATION, AND AS INDIVIDUALS TRADING AS SEKOV REDUCING STUDIOS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of July, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41).

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, August 19, 1940, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 229, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40–3180; Filed, August 1, 1940; 11:47 a. m.]

INTERSTATE COMMERCE COMMISSION.

[No. 28496]

PROPORTIONAL RATES OF COMMON CARRIERS AND MINIMUM CHARGES OF CONTRACT CARRIERS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 16th day of July, A. D. 1940.

The Commission having under consideration certain practices of common carriers of property subject to its jurisdiction under the Interstate Commerce Act, or the Motor Carrier Act, 1935, and of contract carriers subject to its jurisdiction under the Motor Carrier Act, 1935, and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted by the Commission on its own motion into the lawfulness of so-called proportional rates of such common carriers and the minimum charges of such contract carriers applicable on interstate or foreign traffic transported from named points and which has arrived at such points as a part of shipments by rail, water, or motor vehicle for movement beyond over the lines of respondents in less-than-carload, less-than-truckload or truckload quantities; or on less-than-carload, less-than-truckload, or truckload shipments of freight which move to named points over respondents' lines, for movement beyond, as parts of shipments by rail, water, or motor vehicle.

It is further ordered, That all common carriers of property subject to the Commission's jurisdiction under the Interstate Commerce Act, or the Motor Carrier Act, 1935, and all contract carriers subject to its jurisdiction under the Motor Carrier Act, 1935, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the respondents; and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40–3176; Filed, August 1, 1940; 11:38 a. m.]

[No. 28496]

PROPORTIONAL RATES OF COMMON CARRIERS AND MINIMUM CHARGES OF CONTRACT CARRIERS

Investigation and Suspension Docket No. M–1083—Contract Charges on Forwarded Shipments; Investigation and

Suspension Docket No. M-1084—Proportional Rates on Various Commodities; Investigation and Suspension Docket No. 4774—Proportional L. C. L. Rates in Mississippi and Tennessee; Investigation and Suspension Docket No. 4784—Proportional L. C. L. Rates in Florida; Investigation and Suspension Docket No. 4793—Proportional L. C. L. Rates in Southwest

AUGUST 1, 1940.

The attached order instituting an investigation under Docket No. 28496 is self-explanatory. In the Investigation and Suspension proceedings listed above there are under suspension proposed rates and charges similar in character to those covered by No. 28496. All of these proceedings will be heard upon one record.

The above-entitled proceedings are assigned for hearing on September 9, 1940, ten o'clock a. m., (standard time) at the Morrison Hotel, Chicago, Ill., before Commissioner W. J. Patterson and Examiner G. H. Mattingly. It is the intention of the Commission to confine consideration in these proceedings, for the time being, to the issues of unjust discrimination and unreasonable prejudice and preference in connection with the rates of common carriers.

The hearing assigned herein is for the purpose of receiving evidence, subject to such limitation, in connection with rates applicable in territory contiguous to Chicago. It also is expected that developments at this hearing will be of assistance in mapping out subsequent procedure.

In this connection, the Commission would be glad to be informed as promptly as possible as to the names and locations of all interested parties who may desire to present evidence; and to receive suggestions from any interested party as to times and places of additional hearings, and any other procedural matters looking to the orderly conduct of the proceedings. The responses to this request will be used in compiling a service list for future notices, etc.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40-3177; Filed, August 1, 1940; 11:38 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-112]

IN THE MATTER OF SYSTEM PROPERTIES, INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of July, A. D. 1940.

System Properties, Inc., a subsidiary of International Hydro-Electric System, a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale to the First National Bank of Boston of its secured note in the principal amount of $320,000 bearing interest at the rate of 2% per annum and maturing nine months after the date of issuance thereof, said note evidencing a bank loan;

A public hearing on said declaration having been duly held after appropriate notice; the Commission having examined the record and having made and filed its findings herein;

It is ordered, That said declaration be and become effective forthwith subject to the following conditions:

1. That within ten (10) days after the issue and sale of the proposed security the declarant shall file with this Commission a certificate of notification showing that such issuance and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by, said declaration.

2. That the proposed transaction shall be carried out in accordance with the terms and conditions of, and for the purposes stated in, the declaration within sixty days after such declaration is effective.

3. That when all expenses incurred in connection with the proposed transaction and the preparation and prosecution of the declaration concerned therewith shall be actually paid, the declarant shall file a detailed statement of such expenses showing the names of persons or entities to whom such payments were made, the amounts of such payments, the accounts charged, and a detailed description of the services rendered for which such payments were made.

4. That the declarant, commencing with the month of August, 1940 shall in each month in which said note is outstanding set apart out of its net income (after income and other taxes, interest, depreciation, and all other charges and deductions) and accumulate as a cash fund the sum of $20,000 per month, or its entire net income for such month if the net income in such month be less than $20,000; provided, however, that if, by reason of its net income being less than $20,000 in any month or months, less than $20,000 is so set apart in said month or months any such deficiency shall, to the extent of the net income in succeeding months, be added to the sums otherwise to be set apart in succeeding months; and, provided, further, that such cash fund need not be accumulated or maintained after said note is discharged through prepayment prior to maturity or payment at maturity.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3174; Filed, August 1, 1940; 11:36 a. m.]

[File No. 70-123]

IN THE MATTER OF COPPER DISTRICT POWER COMPANY

NOTICE REGARDING FILING SUBJECT TO RULE U-8

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of August, A. D. 1940.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than August 17, 1940, at 1:00 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or request that he be notified if the Commission shall order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted as provided in Rule U-8 of the Rules and Regulations promulgated pursuant thereto. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration which is on file in the office of said Commission for a statement of the transactions therein proposed which are summarized below:

The company proposes to issue not to exceed $250,000 principal amount of First Mortgage Bonds, Series A, 4½%, due June 1, 1956 at private sale, the proceeds therefrom to be used in refunding and discharging six unsecured 4½% notes of the company in the aggregate principal amount of $78,750 and one unsecured 3½% Promissory Note of the company in the principal amount of $100,000 and to pay, in part, the cost of additions to property, plant and equipment, or to reimburse the company in part for expenditures heretofore made by the company for property, plant and equipment or additions thereto. Said $250,000 principal amount of bonds are to be sold privately at 99% of their principal amount and accrued interest from June 1, 1940 to the date of their delivery to the following named persons in the principal amount set opposite their respective names:

Name:	*Principal amount*
Modern Woodmen of America	$145,000
National Guardian Life Insurance Company	30,000
Price Brothers Company	25,000
Total	200,000

The Company states that arrangements have not been completed for the sale of the remaining $50,000 of such bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3175; Filed August 1, 1940; 11:36 a. m.]